

NO. 5:23-cv-00179-FL


Defendant.

Here, the magistrate judge recommends dismissal of plaintiff's claims for failure to prosecute. Plaintiff was directed by this court in its April 11, 2023, order of deficiency to provide a financial disclosure statement and to provide a notice of self-representation. The court warned that failure to respond within 14 days of the order's entry may result in dismissal of the action without prejudice. Where plaintiff did not respond, and the time for doing so has elapsed, the court ADOPTS the recommendation of the magistrate judge as its own, and plaintiff's action is DISMISSED for failure to prosecute and failure to follow the court's order.

In addition, and in the alternative, magistrate judge recommends dismissal of plaintiff's action for lack of subject matter jurisdiction. Plaintiff did not file written objection to this recommendation, though he did move to join the United States Attorney's Office in Massachusetts as a necessary and indispensable party. Such motion, however, is insufficient to meet plaintiff's burden of establishing subject matter jurisdiction, particularly where its connection to the instant action is ambiguous. Namely, whereas plaintiff in the instant complaint seeks annulment of his marriage with his former wife, in his motion for joinder plaintiff refers to "federal lawsuits involving the plaintiff's extensive 'music litigation[.]'" (DE 5 ¶ 2). Accordingly, in the alternative to dismissal for failure to prosecute, this court ADOPTS the recommendation of the magistrate judge to dismiss the action for lack of subject matter jurisdiction.

The clerk of court is DIRECTED to close the case.

SO ORDERED, this the 7th day of June, 2023.

  
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LOUISE W. FLANAGAN  
United States District Judge